

## REMARKS

In the Office Action dated July 26, 2006, claims 1-38 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 6,424,357 (hereinafter “Frulla et al.”). In response, Applicant has amended the independent claims 1, 14, 20 and 33 to more clearly distinguish the claimed invention from the cited reference. As a result, claims 3 and 22 were amended to maintain proper dependency. In addition, claims 2 and 21 were amended to correct a minor error, and claims 8 and 27 were amended to broaden their scope. Furthermore, Applicant has added new claims 39-43.

Applicant respectfully asserts that the amended independent claims 1, 14, 20 and 33 are not anticipated by Frulla et al., as explained below. In addition, Applicant respectfully asserts that the dependent claims 2-13, 15-19, 21-32 and 34-43 are also not anticipated by Frulla et al. In view of the amendments to the claims and the following remarks, Applicant respectfully requests the allowance of the independent claims 1, 14, 20 and 33, as well as the dependent claims 2-13, 15-19, 21-32 and 34-43.

In responding to the Office Action, Applicant has amended the specification to insert the serial number for a referenced U.S. patent application. Specifically, the paragraphs [0061] and [0073] have been amended to insert the serial number of 10/671,953 for U.S. patent application entitled “Intuitive Graphic User Interface with Universal Tools,” which was filed on September 26, 2003. Furthermore, the paragraph [0064] has been amended to correct a minor error.

### A. Patentability of Amended Independent Claims 1 and 20

The Office Action has rejected the original independent claims 1 and 20 under 35 U.S.C. §102(b) as allegedly being anticipated by Frulla et al. In response, Applicant has amended claims 1 and 20 to more clearly distinguish the claimed invention from the cited reference. In particular, the independent claim 1 has been amended to include the limitations of “*automatically saving initial conditions of said computer environment*”

*when a recording is initiated, said initial conditions corresponding to an initial state of said computer environment such that said initial state of said computer environment can be automatically recreated on replay using said initial conditions, said initial state being a particular state from a plurality of possible states for said computer environment,”* which are not disclosed in the cited reference of Frulla et al. The support for this claim amendment can at least be found within the application in the following passages: paragraph [0087], lines 12-14 (support for “automatically saving”); paragraph [0075], lines 9-12, and paragraph [00110], lines 1-7 (support for “automatically recreated”); and paragraph [0067], lines 24-27 (support for “a particular state from a plurality of possible states for said computer environment”).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The Office Action alleges on page 2 that the cited reference of Frulla et al. teaches “saving initial conditions of said computer environment, said initial conditions corresponding to an initial state of said computer environment (fig. 2, step 56; col. 8, lines 14-28). Applicant respectfully disagrees with this analysis.

In column 8, lines 14-17, the cited reference of Frulla et al. states that “[a]gain, using the mouse 20 the user 15 activates the desired window thereby placing the application software in a known, initialized state as shown in block 56.” The block 56 in Fig. 2 of Frulla et al. states “activate desired window & initialize mouse position”. There is no mention of anything being “saved” in column 8, lines 14-17, of Frulla et al. Consequently, the cited reference of Frulla et al. does not disclose the limitation of “*automatically saving initial conditions of said computer environment when a recording is initiated,*” as recited in the amended independent claim 1.

In addition, the cited reference of Frulla et al. does not disclose “*automatically saving initial conditions*” wherein the initial conditions correspond “*to an initial state of said computer environment such that said initial state of said computer environment can*

*be automatically recreated on replay using said initial conditions,”* as recited in the amended independent claim 1. The cited reference of Frulla et al. does not automatically save initial conditions of a computer environment. Therefore, the cited reference of Frulla et al. clearly does not teach or disclose “*initial conditions*” that correspond to “*to an initial state of said computer environment such that said initial state of said computer environment can be automatically recreated on replay using said initial conditions,*” as recited in the amended independent claim 1.

Furthermore, the cited reference of Frulla et al. does not disclose “*said initial state being a particular state from a plurality of possible states for said computer environment,*” as recited in the amended independent claim 1. The cited reference of Frulla et al. discloses the use of a single known state, which is manually achieved. In column 6, lines 57-59, the cited reference of Frulla et al. states that “[b]y activating a particular application, the user begins the voice command module in a known state.” Similarly in column 8, lines 14-17, the cited reference of Frulla et al. states that “[a]gain, using the mouse 20 the user 15 activates the desired window thereby placing the application software in a known, initialized state as shown in block 56.” Thus, the cited reference of Frulla et al. clearly discloses only a single known state. Consequently, the cited reference of Frulla et al. does not disclose the limitation of “*said initial state being a particular state from a plurality of possible states for said computer environment,*” as recited in the amended independent claim 1.

As explained above, the cited reference of Frulla et al. does not disclose the claimed limitations of “*automatically saving initial conditions of said computer environment when a recording is initiated,*” “*said initial conditions corresponding to an initial state of said computer environment such that said initial state of said computer environment can be automatically recreated on replay using said initial conditions*” and “*said initial state being a particular state from a plurality of possible states for said computer environment.*” Therefore, the amended independent claim 1 cannot be anticipated by Frulla et al. As such, Applicant respectfully requests that the amended independent claim 1 be allowed.

The amended independent claim 20 recites similar limitations as the amended independent claim 1. Thus, the cited reference of Frulla et al. also does not disclose each element of the amended independent claim 20. As such, Applicant respectfully asserts that the amended independent claim 20 is also not anticipated by Frulla et al., and requests that this amended independent claim be allowed as well.

#### B. Patentability of Amended Independent Claims 14 and 33

The Office Action has rejected the original independent claims 14 and 33 under 35 U.S.C. §102(b) as allegedly being anticipated by Frulla et al. In response, Applicant has amended claims 14 and 33 to more clearly distinguish the claimed invention from the cited reference. In particular, the independent claim 14 has been amended to include the limitations of “*automatically loading recorded initial conditions of a recorded computer environment into a replay computer environment when a replay is initiated such that the state of said replay computer environment is substantially equivalent to an initial state of said recorded computer environment when said recorded computer operations were recorded, said recorded initial conditions corresponding to said initial state of said recorded computer environment when said recorded computer operations were recorded, said initial state of said recorded computer environment being a particular state from a plurality of possible states for said recorded computer environment,*” which are not disclosed in the cited reference of Frulla et al. The support for this claim amendment can at least be found within the application in paragraph [00110], lines 1-7.

The Office Action alleges on page 4 that the cited reference of Frulla et al. teaches “loading recorded initial conditions of a recorded computer environment into a replay computer environment such that the state of said replay computer environment is substantially equivalent to an initial state of said recorded computer environment when said recorded computer operations were recorded (fig. 2, step 69; col. 6, lines 55-64). Applicant respectfully disagrees with this analysis.

In column 6, lines 55-57, the cited reference of Frulla et al. states that “[t]o use the voice command module 90 in run time mode, the user first activates the desired window on the computing device as indicated in block 69.” The block 69 in Fig. 2 of Frulla et al. states “activate desired window”. There is no mention of loading “initial conditions of a computer environment” in column 6, lines 55-64, of Frulla et al. The cited reference of Frulla et al. does state in column 6, lines 59-61, that “[s]ince in some environments no keyboard or mouse may be provided, the computer system will then typically boot to the known desired state.” However, the process of booting is not equivalent to “*automatically loading recorded initial conditions of a recorded computer environment into a replay computer environment when a replay is initiated,*” as recited in the amended independent claim 14.

In addition, the cited reference of Frulla et al. does not disclose “*automatically loading recorded initial conditions*” wherein the recorded initial conditions correspond “*to said initial state of said recorded computer environment when said recorded computer operations were recorded,*” as recited in the amended independent claim 14. The cited reference of Frulla et al. does not automatically load recorded initial conditions of a recorded computer environment. Therefore, the cited reference of Frulla et al. clearly does not teach or disclose “*recorded initial conditions*” that correspond to “*to said initial state of said recorded computer environment when said recorded computer operations were recorded,*” as recited in the amended independent claim 14.

Furthermore, the cited reference of Frulla et al. does not disclose “*said initial state of said recorded computer environment being a particular state from a plurality of possible states for said recorded computer environment,*” as recited in the amended independent claim 14. As stated above in Section A of this response, the cited reference of Frulla et al. discloses the use of a single known state, which is manually achieved. Consequently, the cited reference of Frulla et al. does not disclose the limitation of “*said initial state of said recorded computer environment being a particular state from a plurality of possible states for said recorded computer environment,*” as recited in the amended independent claim 14.

As explained above, the cited reference of Frulla et al. does not disclose the claimed limitations of “*automatically loading recorded initial conditions of a recorded computer environment into a replay computer environment when a replay is initiated,*” “*said recorded initial conditions corresponding to said initial state of said recorded computer environment when said recorded computer operations were recorded*” and “*said initial state of said recorded computer environment being a particular state from a plurality of possible states for said recorded computer environment.*” Therefore, the amended independent claim 14 cannot be anticipated by Frulla et al. As such, Applicant respectfully requests that the amended independent claim 14 be allowed.

The amended independent claim 33 recites similar limitations as the amended independent claim 14. Thus, the cited reference of Frulla et al. also does not disclose each element of the amended independent claim 33. As such, Applicant respectfully asserts that the amended independent claim 33 is also not anticipated by Frulla et al., and requests that this amended independent claim be allowed as well.

### III. Patentability of Dependent Claims 2-13, 15-19, 21-32 and 34-43

Each of the dependent claims 2-13, 15-19, 21-32 and 34-43 depends on one of the amended independent claims 1, 14, 20 and 33. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicant submits that these dependent claims are allowable for at least the same reasons as their respective base claims.

As an example, the dependent claim 3 recites the limitations of “*wherein said automatically saving includes automatically saving said initial conditions of said computer environment in a first computer file, and wherein said recording includes saving said user inputs to said computer environment in a second computer file,*” which are not disclosed in the cited reference of Frulla et al. The Office Action on page 2 states that the limitations of claim 3 are disclosed in Frulla et al. by citing Fig. 2, column 8,

lines 16-22 and lines 31-38, and column 9, lines 13-16 and by stating that “voice command name is stored in repository 54 and functionality are implemented by coding the functionality into a function that is linked to voice command name.” However, as stated above in Section A of this response, the cited reference of Frulla et al. does not disclose saving any initial conditions. Thus, the cited reference of Frulla et al. does not disclose the limitation of “*automatically saving said initial conditions of said computer environment in a first computer file,*” as recited in claim 2. Applicant notes herein that Office Action statement of “voice command name is stored in repository 54 and functionality are implemented by coding the functionality into a function that is linked to voice command name” has nothing to do with saving “initial conditions” in a computer file and thus is not relevant to the issue of whether the cited reference of Frulla et al. disclose the limitations of “*wherein said automatically saving includes automatically saving said initial conditions of said computer environment in a first computer file, and wherein said recording includes saving said user inputs to said computer environment in a second computer file,*” as recited in claim 3.

As another example, the dependent claim 6 recites the limitation of “*editing said initial conditions of said computer environment after said initial conditions have been saved,*” which is not disclosed in the cited reference of Frulla et al. The Office Action on page 3 states that the limitation of claim 6 is disclosed in Frulla et al. by citing column 8, lines 14-17, and column 8, line 60, thru column 9, line 6, and column 10, lines 6-15 and by stating “edit mode.” However, as stated above in Section A of this response, the cited reference of Frulla et al. does not disclose saving any initial conditions of a computer environment. Thus, the cited reference of Frulla et al. cannot and does not disclose editing the saved initial conditions of the computer environment. The edit mode described in Frulla et al. refers to creating new voice commands. Thus, the cited reference of Frulla et al. does not disclose the claimed limitation of “*editing said initial conditions of said computer environment after said initial conditions have been saved.*”

As another example, the dependent claim 7 recites the limitation of “*editing said user inputs to said computer environment after said user inputs have been saved,*” which

is not disclosed in the cited reference of Frulla et al. The Office Action on page 3 states that the limitation of claim 7 is disclosed in Frulla et al. by citing column 8, lines 14-17, and column 8, line 60, thru column 9, line 6, and column 10, lines 6-15 and by stating “edit mode.” However, the edit mode described in Frulla et al. refers to creating new voice commands. The cited reference of Frulla et al. does not disclose editing the user inputs after the user inputs are saved for a particular voice command. It appears that the only way to modify saved user inputs, as described in Frulla et al., is to replace the existing voice command for the saved user inputs with a new voice command with modified user inputs. Thus, the cited reference of Frulla et al. does not disclose the claimed limitation of “*editing said user inputs to said computer environment after said user inputs have been saved.*”

As another example, the dependent claim 11 recites the limitation of “*creating said replay computer environment as a copy of a current computer environment from which replay of said recorded session has been initiated,*” which is not disclosed in the cited reference of Frulla et al. The Office Action on page 4 states that the limitation of claim 11 is disclosed in Frulla et al. by citing column 6, lines 55-64, column 7, line 25-35, and column 8, lines 1-8. However, these cited passages of Frulla et al. do not mention anything related to the limitation of “*creating said replay computer environment as a copy of a current computer environment from which replay of said recorded session has been initiated,*” as recited in claim 11.

As another example, the dependent claim 12 recites the limitation of “*wherein said creating includes positioning said replay computer environment over said current computer environment,*” which is not disclosed in the cited reference of Frulla et al. The Office Action on page 4 states that the limitation of claim 12 is disclosed in Frulla et al. by citing column 6, lines 55-64. However, this cited passage of Frulla et al. does not mention anything related to the limitation of “*positioning said replay computer environment over said current computer environment,*” as recited in claim 11.

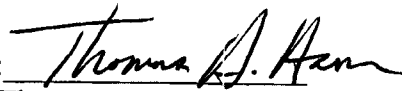


Applicant respectfully requests reconsideration of the claims in view of the claim amendments and the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

Denny Jaeger

Date: January 26, 2007

By: 

Thomas H. Ham

Registration No. 43,654

Telephone: (925) 249-1300